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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,705	01/23/2004	E. Mackey King	706581US1	7680

7590 07/19/2004
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EXAMINER

ENGLE, PATRICIA LYNN

ART UNIT	PAPER NUMBER
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3612

DATE MAILED: 07/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/763,705

Applicant(s)

KING ET AL.

Examiner

Patricia L Engle

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-13 and 15-18 is/are rejected.
- 7) ☒ Claim(s) 5 and 14 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1/23/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

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DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: In paragraph 0027, line 12, "23" should be --30--; In paragraph 0028, the last line, "Figure 6a" should be --Figure 6b--.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
4. Claims 1-4, 6-13 and 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over de Gaillard (US Patent 6,517,135) in view of Sangimino (US Patent 3,419,304).

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De Gaillard discloses a vehicle having an enclosed cabin and a cargo bed extending rearwardly from the cabin, an apparatus for enabling enlargement of the cabin comprising: a rear wall movably coupled to the cabin; a guide element positioned along a floor of the cargo bed; and a base portion of the rear wall slideably coupled to the guide element whereby the rear element may be translated rearwardly from the cabin to vary a volume thereof (claims 1 and 10); wherein the rearwall includes a seat (claims 7 and 16).

De Gaillard does not disclose that the rear wall is removably coupled to the cabin.

Sangimino disclose a vehicle having an enclosed cabin with a rear wall removably coupled to the cabin and a removable roof (claims 2 and 11).

De Gaillard and Sangimino are analogous art because they are from the same field of endeavor, i.e., expandable cabins.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to make the rear wall removably coupled to the cabin and making the roof of the cabin removable. The motivation of making the rear wall removably coupled to the cabin would have been to make expanding the cabin to different lengths possible because the expansion would not be limited to the length of the cabin and to make the expansion simple because the roof panel would not have to be stored in the roof of the cabin. The motivation for making the roof panel of the cabin removable would have been to allow the vehicle to be a convertible.

Therefore, it would have been obvious to combine Sangimino with de Gaillard to obtain the invention as specified in claims 1, 2 and 7.

Regarding claims 3, 4, 12 and 13, the Examiner takes Official Notice that tonneau covers for the cargo area are well known in the art and it would have been obvious to one of ordinary

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skill in the art at the time of the invention to use a tonneau cover for the cargo area and to remove a portion of the tonneau cover before expanding the cabin. The motivation for using a tonneau cover is to keep the cargo safe and dry. The motivation for removing a portion of the tonneau cover would have been to prevent it from being destroyed.

Regarding claims 6 and 15, de Gaillard as modified discloses a removable window which joins the rear wall when the rear wall is in the expanded position. Therefore the rear wall, cabin and tonneau system are configured to accept a removable window.

Regarding claims 8 and 17, de Gaillard does not disclose that the rear wall is a "targa bar". However, the result of combining de Gaillard and Sangimino would be that the rear wall is a "targa bar" as disclosed by the applicant.

Regarding claims 9 and 18, the Examiner takes Official Notice that using casters for slidably moving a component is well known in the art. Although de Gaillard does not specifically disclose how the rear wall is slidable, it would have been obvious to one of ordinary skill in the art at the time of the invention to use casters for the sliding mechanism. The motivation would have been to allow the rear wall to move with ease.

Allowable Subject Matter

5. Claims 5 and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The following is a statement of reasons for the indication of allowable subject matter:
The primary reason for the allowance of claims 5 and 14 is that the prior art of record does not

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disclose or suggest a vehicle with an expandable cabin in which a tonneau panel is used to enclose the volume existing between the rear wall and the cabin when the rear wall is in a rearward position.

Conclusion

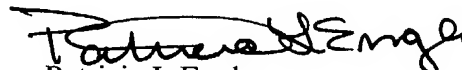
7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art discloses other expandable vehicles and vehicles with removable roofs.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia L Engle whose telephone number is (703) 306-5777.

The examiner can normally be reached on Monday - Friday from 8:00 to 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, D. Glenn Dayoan can be reached on (703) 308-3102. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Patricia L Engle
Examiner
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July 9, 2004